

**From:** Mayer Etkin  
**To:** Microsoft ATR  
**Date:** 1/28/02 11:14pm  
**Subject:** RE: My comments on the settlement. Please see attached 01-02-062 SEA

Clear Day

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**January 28th 2002**

**WPI # CSI APT 001**  
**01-02-062 SEA**

**Confidential email of 2 pages to Microsoft.atr@usdoj.gov**

**Ms. Renata Hesse**  
**Trial Attorney**  
**Antitrust Division**  
**US Department of Justice**

**RE: Comments on the Microsoft Settlement**

**Dear Ms. Hesse,**

I am writing this email to you in my support of brining an end to this travesty of justice.

The United States Department of Justice was suckered into persecuting Microsoft under the guise of an antitrust action.

If I were the Judge and it were up to me, I would make the following ruling.

- The court fines Microsoft the sum of \$ 1.00
- The court specifically precludes any plaintiff from using the case record in support of their civil motions or claims against Microsoft if any.
- The purpose of antitrust jurisprudence is not to enable a competitor to gain what they what they otherwise fail to gain in an open and competitive marketplace nor is the purpose to enable the plaintiffs bar to file a bogus class action law suit and legally extort \$ 100 million dollars from a defendant because it's cheaper to settle then to litigate.
- If it were up to me to rescind the conclusions of law and findings of fact in this case, I would do so and dismiss the case.

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- Finally, I accept and approve of the settlement that the Federal Government and Microsoft have agreed to and I order the states that have not joined in it to accept it and to drop all further litigation against Microsoft.
- My reasons for making the above rulings are simple, go into any computer store and there are choices to be made. A consumer has the opportunity to decide for themselves exactly what their choice should be. If Microsoft had not taken the actions that they had, they would have run the risk of becoming an also ran in the software business and their operating system would have become obsolete. What one perceives as product improvement and natural migration in an evolving market may be perceived by a competitor in a different manner. It is up to the consumer to decide which is which and not for the government to interfere and make that determination for them. We are advocates of the law, not software engineers, designers nor marketers. In a dynamic and fluid market as this case has shown, what is being argued about is history not current events nor the current state of the software business.

Let's hope the Judge has the courage to rule as suggested and let companies do their battle with each other in the marketplace free of government and judicial impediments.

Have a great day.

**Sincerely yours,**

**Capital Solutions, Inc.  
Mayer Etkin, President**